

**Washington County Land Use Authority Meeting
June 9, 2009**

The Washington County Land Use Authority Meeting was held on Tuesday, June 9, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present: Joann Balen, Dave Everett, Kim Ford, Doug Wilson, and Rick Jones. Also present were Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, Building Official Kurt Gardner, Senior Planner John Willie and Todd Edwards, Public Works Department.

Excused: Debora Christopher and Julie Cropper

Audience attendance: Gene L. Beck, Kendall Gardner, Brent Orchard, Karl Sorenson, Bob Hermandson, Gary Simonson, and Gordon Poppitt.

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. CONDITIONAL USE PERMIT EXTENSION. Review extension for a rock extraction operation within the OST-20 zone, N ½ SE 1/4, Sec. 14, T37S, R18W, SLB&M, generally located 6 miles west of Enterprise. Kendall Gardner, applicant.

The planner explained that the applicant used this area for decorative rock extraction for his first two (2) years at this location and the last four (4) extensions have been for gravel extraction. This is the 6th extension on this existing pit within the Open Space Transitional zone, which is conditionally approved. The applicant previously submitted the State licensing on the equipment and is also licensed as an instructor for Mine Safety and Health Administration (MSHA). There have been no complaints on this use throughout the past years. Staff felt that it would be appropriate to approve this on a permanent basis.

Kendall Gardner, applicant, concurred with the planner's comments.

Motion was made by Commissioner Everett to recommend approval on a Conditional Use Permit Extension on a rock extraction operation within the OST-20 zone, generally located west of Enterprise, on a permanent status. Commissioner Balen seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #2. CONDITIONAL USE PERMIT EXTENSION. Review extension on a sales office for the Kolob Ranch development on the west side of the freeway at the Kolob Exit off Interstate 15. Kolob Development, Inc./ Scott Seyboldt, Project Manager, applicant.

The applicant was not in attendance.

Motion was made by Commissioner Wilson to table this item until the applicant is in attendance. Commissioner Ford seconded the motion. Five (5) commissioners voted Aye. The motion carried.

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Item #3. CONDITIONAL USE PERMIT EXTENSION. Review extension on permission to construct and operate an asphalt plant, within the I-1 zone, Section 1, T40-S, R13W, SLB&M, near Pintura. Sunroc/Russell Leslie, applicant.

The planner explained that this will be the second extension on the Conditional Use for an asphalt plant on 31.5 acres near Pintura. Last year's review included a temporary site plan/use for construction on Interstate 15. The County Commission approved the I-1 Zone change on March 6, and the CUP on March 27, 2007. Prior to receiving a building permit, the Planning Commission will need to grant Site Plan Approval. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement which was installed when the temporary plant operation was approved last year. The planner reminded the commissioners of the original motion in 2007, which was as follows: ***"...to recommend approval of the Conditional Use Permit, for a period of one (1) year, subject to site plan approval. The one year will begin at the time of activation, with no activity allowed beforehand."***

Gene Beck, Sunroc, said the intent is to eventually have an asphalt plant, but that has been delayed because of the economy. They would like to stay current on the permit so they will be ready if the opportunity presents itself. Sunroc is working with Air Quality and all other regulatory bodies to remain in compliance.

Motion was made by Commissioner Balen to recommend approval on a Conditional Use Permit Extension on an asphalt plant within the I-1 zone, near Pintura, for a period of one (1) year. Commissioner Ford seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #4. CONDITIONAL USE PERMIT EXTENSION Review extension of a gravel crushing operation in the Pintura area of Washington County. Dana Truman/SUNROC, applicant.

The planner reminded the commission of approving the I-1 (Industrial) zone change near Pintura for Sunroc. There have been two 90-day reviews and a one-year extension. The contract with UDOT for improvements to Interstate 15 has been fulfilled, so there is no longer a need to operate during the nighttime hours. There have been no further complaints filed with the County Commission's office on lighting, dust, and noise. This is the annual review for the crushing operation that County Commission approved within the OST-20 Zone. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement. The planner reminded the commissioners of the following issues that were part of the previous motion in 2007: ***"... hours of operation from 4:00 a.m. to 10:00 p.m., noting that the applicant will work in concert with the adjoining I-1 zone for sanitary and waste disposal, and other support for employees. Also noting that if the crusher is moved from Phase 1 on the site plan to Phase 2, an additional Conditional Use Permit will be required, and that the***

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property will be properly signed for safety with relationship to access, and that a stop sign will be installed as entering from the property to the frontage road.”

Gene Beck, Sunroc, said there are significant aggregate reserves on site that could last for approximately thirty (30) years, if running at full capacity.

Motion was made by Commissioner Balen to recommend approval on a Conditional Use Permit Extension on a gravel crushing operation near Pintura, with the understanding that the original conditions will remain in effect, for a period of one (1) year. Commissioner Wilson seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item. #5. CONDITIONAL USE PERMIT. Request permission for a racing event “15 Miler Turn-Around” for a 5k and 15 mile run on August 15, 2009, beginning at 7:00 a.m., generally located 1.5 miles north of Pine Valley on Grass Valley Road. Blue Duck Racing/Bob Hermandson, applicant.

The planner explained that this event is sponsored by the Blue Duck Racing Association for a 5k and 15 mile run along Grass Valley Road and running north toward Pinto. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application. The staging area is approximately 1.5 miles north of Pine Valley, with the race beginning at 7:00 a.m., and being completed by 12:00 p.m.. The applicant will provide a liability insurance policy listing Washington County as a beneficiary. They are expecting between twenty and fifty (20 - 50) participants and the number of Porta Potties will be based on that number. Aid stations will be located approximately every two (2) miles. The Forest Service has set the criteria for this activity as to parking and public safety. An EMT will be on site and cell phones will allow for communication to emergency response with Enterprise as the provider.

Bob Hermandson, applicant, showed the revised route and explained that the race was moved from downtown Pine Valley to Grass Valley Road, about 1.5 miles north of Pine Valley. The route goes north toward Pinto for 7.5 miles and returns on the same road. The applicants met with Dixie National Forest to go over all aspects of the race. The Dixie National Forest (DNF) was very particular about details including the start/finish line, locations of porta potties, and having signs to alert any drivers about the race in progress. The applicant and the DNF drove the entire route, giving consideration to the several curves along the route. There will be volunteers at each curve to alert drivers and slow down any traffic, as well as help with dust control. There will also be warning signs to draw attention to the race in progress, and every effort will be made to ensure runner safety.

Mr. Hermandson said that DNF chose the start/finish area because there is parking available by a cinder pit that has previously been used. Flags will be set up around the start/finish area to keep people from going outside the designated area. On-duty DNF representative will be aware of the

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race and will be available if needed. Mr. Hermandson said they are in the final stages of the permitting process with the DNF and anticipate getting the approval very soon, so asked if an approval from the County could be made subject to the DNF's consent. Mr. Hermandson stated that everyone involved, including Washington County, will be included on waivers and insurance policies.

Gordon Poppitt, Central resident, expressed concern for the runners because of the number of turns in the road, the steep roadside drop offs and blind turns. Mr. Poppitt suggested closing the road for the short duration of the race, but also wanted to express that he is not in opposition to the race.

Mr. Hermandson explained that he would prefer to close the road, but DNF needed to have access for 4-wheelers and made the decision to keep the road open.

Motion was made by Commissioner Everett to recommend approval for a Conditional Use Permit for a racing event in the Pine Valley area, subject to applicant first obtaining a Dixie National Forest permit, for a period of one (1) year. Commissioner Wilson seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #6. CONDITIONAL USE PERMIT. Request permission to establish a temporary sales office for the Whispering Pines development, 87 lots, on Kolob Mountain. Karl Sorenson, applicant.

The planner explained that this is a request for a temporary sales office within the Whispering Pines Subdivision on Kolob, and runs with the development, until the lots are sold, as it is a project sales office. The applicant has submitted a site plan for review, and the sales office is proposed to be located on Lot 12. There will be restroom facilities provided. The plat has not been recorded, so any approval would need to be subject to applicant obtaining necessary signatures and recording of the plat. The planner showed the proposed location on a displayed site map.

Karl Sorenson, applicant, explained that they are hopeful to build a cabin on lot 1, which will eventually be sales office. But because of the short season, and wanting to begin as soon as possible, they decided to first build on lot 12. Lot 12 is close to the entrance and across from lot 1, making it a good choice. The applicants plant to asphalt phases 1 & 2 by the middle of July. Phase 3 will take a little longer, but they anticipate completing asphalt by the end of 2009, or next Spring at the latest. Mr. Sorenson explained that the delay in placing asphalt on the first two phases has helped with making a determination to place additional culverts to help with water flow. Mr. Sorenson stated that there is water available for the entire project, and a septic permit will be obtained for the sales office lot.

Motion was made by Commissioner Balen to recommend approval for a Conditional Use

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Permit to establish a temporary sales office for the Whispering Pines development on Kolob Mountain, subject to the plat being recorded and subject to a septic permit being issued, for a period of one (1) year. Commissioner Ford seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Chairman Stucki closed the Planning Commission Meeting and opened a Public Hearing at 2:12 p.m.

Item #7. PUBLIC HEARING. Open hearing for a final plat approval for Whispering Pines Subdivision - Phase 2, 34 lots, located east and adjacent to Terrace Drive Subdivision on Kolob. Karl Rasmussen, agent.

The planner explained that the commission will need to open for a public hearing as referenced by State Code, whereas, notice of hearing to consider approval of a subdivision plat was sent by mail to property owners within a proximity to the property as defined by local ordinance three days before the hearing. There is a requirement for a 24-hour posting of agenda before other public meetings, and that requirement was also met. The applicants have obtained signatures for sewer, culinary water, and letters obtained in 2007. The only change will be the sewer authority will now be the Water Conservancy District, instead of Ash Creek Special Service District, but both will be in agreement and all requirements will be met before approval.

Todd Edwards, Public Works, explained that the applicants did the design on the entire project, including a water study. Larger lines were put in, and there is adequate pressure and water flow.

Commissioner Wilson declared a possible conflict of interest because he is employed by the Water Conservancy District, who would have a signature on the plat. Commissioner Wilson was also heavily involved in the inspections of the water system.

Karl Sorenson, applicant, stated that the bonding is being reviewed, and he believes that everything is ready for final approval.

Chairman Stucki closed the Public Hearing and reopened the Planning Meeting at 2:18 p.m.

Item #8. FINAL PLAT APPROVAL. Consider final plat approval for Whispering Pines Subdivision - Phase II, 34 lots, containing approximately 45.29 acres, NW, NE & SE 1/4, Section 12, T39S, R11W, SLB&M, generally located east of Terrace Drive Subdivision on Kolob. Karl Rasmussen, agent.

The planner explained that the applicant received final approval in 2007 for 87 lots, although he felt he would be unable to complete that large of a development in one season. In 2008, the developer received final approval for the first phase, containing thirty-two (32) lots, Whispering Pines development and needs to get started on improvements, whereas the road opens for heavy

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equipment soon. There will only be enough time to improve a portion of this subdivision this season, so the applicant is proposing to do this development in phases. This will be a three (3) phase project, with staff requesting a temporary cul-de-sac on the westerly road and renumbering the designated lots, so they are consecutive with phasing. Staff felt there should be no problem in permitting this request. A new title report will need to be provided.

Todd Edwards, Public Works, explained that drainage easements and utility easements have been provided on each lot, as well as additional drainage easements identified along lot lines where there are physical drainage issues.

Motion was made by Commissioner Ford to recommend Final Approval for Whispering Pines Subdivision - Phase II, subject to a new title report being provided. Commissioner Everett seconded the motion. Commissioner Wilson abstained. Four (4) commissioners voted Aye. The motion carried.

Chairman Stucki closed the Planning Meeting and opened a Public Hearing at 2:26 p.m.

Item #9. PUBLIC HEARING. Open hearing for a zone change from Agricultural to Open Space Zone in Central, Utah. Robert & Mary Houston, applicants and Gary Simonson, agent.

The planner explained that the commission will need to open a public hearing as referenced by State Code, whereas amending Washington County Land Use and Subdivision Ordinance requires a minimum ten days published notice and 24-hour posting of agenda before other public meetings. The applicants wish to build a race track for motocross and ATVs.

Gordon Poppitt, Central, explained that he has spoken with the applicants and he didn't see a problem with noise, because it would be operated during daytime hours and it is far enough away from the closest neighbors. The area will be locked, and the vehicles will have to be licensed for off road use, and the riders will have to wear helmets and safety riding gear. Mr. Poppitt stated that for the record he is not opposed to the proposed use.

Chairman Stucki closed the Public Hearing and reopened the Planning Meeting at 2:42 p.m.

Item #10 ZONE CHANGE. Request for a zone change from A-20 (Agricultural) to OST-20 (Open Space Transitional 20 acres) zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLB&M, generally located east of Hwy. 18 and south of Pine Valley Rd. in Central. Robert and Mary Houston, applicants and Gary Simonson, agent

The planner explained that, after closing the public hearing, the commission will be acting on the zone change, which has been properly advertised. This zone is similar to the adjacent A-20 zone and southerly OST-20 zone, whereas, the purpose of this zone is for undeveloped private land and allows farming use and small agricultural developments. The proposed use requested is

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similar to the trail uses and private recreation grounds and facilities allowed conditionally within the OST-20 zone, and that particular use will be considered at the July 14, 2009 meeting if the zone change is approved. The General Plan depicts this area as being transitional to a Residential Zone.

Findings:

- Proposed Zone Change is compatible with use of adjacent lands
- No more damaging than mining or mineral development
- Even though an agricultural zone, it is currently used as gravel pit with limited grazing

Each finding of fact was voted on individually and approved unanimously.

Motion was made by Commissioner Balen to recommend approval to change the zone from A-20 to OST-20, containing twenty (20) acres, generally located east of Hwy. 18 and south of Pine Valley Rd. in Central. Commissioner Wilson seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Chairman Stucki closed the Planning Meeting and opened a Public Hearing at 2:48 p.m.

Item #11. PUBLIC HEARING. Open hearing for Washington County Land Use (Zoning) and Subdivision Ordinance amendments regarding text changes for changes and amendments; preliminary and final plats; requirements; and construction plans for subdivision improvements. County initiated.

The planner explained that the commission will need to open a public hearing as referenced by State Code, whereas amending Washington County Land Use and Subdivision Ordinance requires a minimum ten days published notice and 24-hour posting of agenda before other public meetings

The planner explained that these ordinance amendments are “housekeeping” efforts to take care of changes to the ordinance between the County and all agencies (ACSSD, WCWCD, DEQ and SWUPHD). Staff felt these changes could be reviewed by going directly to the advertising process, since some of these changes are fairly simple and were related to the ordinance amendment approved last month

Chairman Stucki closed the Public Hearing and reopened the Planning Meeting at 3:03 p.m.

Item #12. ORDINANCE AMENDMENT: Consider approval of the Washington County Land Use (Zoning) and Subdivision Ordinance Amendments, Title 10, Chapter 1, Section 10-1-12, Changes and Amendments, and Title 11, Chapter 4, Preliminary Plat, Section 11-4-1.A.3.j.; Final Plat, Section 11-4-2.A.9; B.9 (insert), 10 (insert), and 11.; and E.4 (insert) and 5.

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Requirements: and Construction Plans. County initiated.

No other information was given, and the commissioners were counseled to provide findings of fact to support action taken.

Findings:

- Complies with State Statute
- Will simplify new requirements to comply with resolutions passed
- Will simplify recommendations from County Engineer, enhancing code with better clarification to definition of easement requirements

Each finding of fact was voted on individually and approved unanimously.

Motion was made by Commissioner Ford to recommend approval of Washington County Subdivision Ordinance Amendment, Title 11, Chapter 5, Improvements, Section 11-5-1: Sewer Proposal and Construction Plans. Commissioner Balen seconded the motion. Five (5) commissioners voted Aye. The motion carried

Item #13. STAFF COMMENTS. Review by staff of items listed above.

No action necessary.

Item #14. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meetings held on May 19, 2009 and June 2, 2009. County initiated

May 19, 2009

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Manager; and Laurence Parker, Southwest Utah Public Health Department;

Excused: Ron Whitehead, Public Works Director; Tina Esplin, Washington County Water Conservancy District; and Randy Taylor, Department of Environmental Quality.

CONDITIONAL USE PERMIT EXTENSIONS.

A. Review extension for a business license to teach swimming lessons from a private pool located at Paradise Estates, lot 8 in the Diamond Valley area of the County. Tricia Nelson, applicant.
(CUP approved 4-22-08)

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B. Request permission for a single family dwelling within the A-20 zone, Enterprise Ranchos Subdivision northeast of Enterprise. Dallin and Stephanie Robinson, applicants

The applicant has met the requirements for a Conditional Use Permit by submitting a site plan, deeds of ownership, a septic permit from the Southwest Utah Public Health Department, and the quantity and quality of water from a private well. Single family dwellings are conditionally approved within the A-20 zone, with the property containing 2.5 acres being non conforming within that zoning district, Enterprise Ranchos. The property is accessed from Hwy. 18, to Bench Road at 2716 E. 1200 North, generally located northeast of Enterprise. The site plan meets all setback requirements for 25' on the sides, rear and frontage. The building official indicated that the applicant would need to meet the Urban Wild Lands Interface fire requirements. **The staff felt there would be no problem in approving this Conditional Use Permit for a one (1) year period.**

June 2, 2009

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Manager; Laurence Parker, Southwest Utah Public Health Department; Tina Esplin, Washington County Water Conservancy District; and Randy Taylor, Department of Environmental Quality.

Excused: Ron Whitehead, Public Works Director

CONDITIONAL USE PERMIT EXTENSIONS:

A. Request permission to construct a 2nd dwelling for a member of an LLC on 36 acres, within the A-20 zone located south of Hurricane City Boundary in the Pecan Valley area. Scott Nielson/Lynn Harding, applicants.

The planner explained that the building permit has expired and the property has been annexed to Hurricane City. So, taking no action will allow this Conditional Use to expire on the 3rd of June. Previously reviewed, a vicinity map showing the location of the existing home and the 2nd dwelling was submitted for review. Because of a trade with the Ash Creek Special Service District, they were needing to relocate an area resident, and would eventually be a part of a development within Hurricane City Limits and be on a sewer system. Darwin Hall informed the staff that the property had been foreclosed on and Mr. Harding was renting from the service district. **No action taken.**

B. Request permission to have an accessory dwelling within a garage, located at 736 N. Dammeron Valley Dr. West, Old Farms South - Phase 2, Lot 29, in Dammeron Valley. Eduard & Joan Van Muijen, applicant.

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This is an automatic annual review. The accessory dwelling was inspected for Final Occupancy on October 13, 2008 by the Building Official Kurt Gardner and it meets the requirements of the International Building Code. As previously reviewed, the applicant submitted a site plan and floor plan for staff review. An extended septic permit will be available for improvements, until June 15, 2009, by the Southwest Utah Public Health Department. There was a requirement for one additional leach line (55 feet long, with three feet of gravel below the pipe). This met the criteria set forth for accessory dwelling units, and the accessory dwelling seems to be incidental to the main dwelling. **The staff granted approval of the Conditional Use Permit on a permanent basis.**

CONDITIONAL USE PERMIT:

A. Request permission to build a single family dwelling within the OST-20 zone, Kolob Mountain on 39 acres near Kolob Reservoir. Kelly Blake, applicant.

The applicant has met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and letters from the Washington County Water Conservancy District stating they will serve culinary water to the property. A septic permit has been issued by the Southwest Utah Public Health Department. The property is accessed from Kolob Mountain Road, then entering the 500 plus acres owed by the Blakes. The house will be built on the property line and east sectional line on the 39 acres. The site plan meets all setback requirements. **The staff granted approval of the Conditional Use Permit for a single family dwelling for the period of one (1) year.**

Item #15. MINUTES. Consider approval of the minutes of the regular planning commission meeting held on May 12, 2009.

Motion was made by Commissioner Balen to approve the minutes of May 12, 2009, as written. Commissioner Ford seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #16. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated.

Action taken on Planning Items by the Washington County Commission on May 19, 2009, beginning at 4:00 p.m. (a) Conditional use extension to operate an aggregate processing plant and crushing operation in an existing grand fathered pit in the containing 22.39 acres, a portion of Section 32, T39S, R16W, SLB&M, generally located east of Veyo... Sunroc Corporation/Russell Leslie and Dana Truman, applicants; (b) Conditional use extension for a racing event, St. George River Run ½ Marathon and 5k, September 5, 2009, beginning near Veyo, running through Gunlock past the gravel pit and ending at Ivin's Unity Park... Blue Duck Racing/Bob Hermandson, applicant; (c) Conditional use extension to build a Fire Station/Office, adding

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another station in the Diamond Valley area, with the building being located at the southwesterly end of the valley, Lot D, Diamond Valley Acres - Phase 2 - Plat A... Derald Terry, agent; (d) Conditional use extension for a private recreation facility (Pavilion) for family reunions on Kolob, within the SFR-1 zone, generally located north of the Blue Springs Reservoir, Section 12, T39S, R10W, SLB&M... Sheila Dutton, applicant; (e) Plat amendment for Al Truman Subdivision Amended, to split lot 7 into two (2) lots hereafter known as lots 7A and 7B, Section 15, T39S, R15W, SLB&M, and 7B is a flag lot with a 25' easement, located on Sage Road in Pine Valley... Bob Herpel, agent; (f) Plat amendment for Grassy Meadows Sky Ranch II - No. 3 Amended, consolidating lots 29, 30 and 31 from the original plat into one lot to be hereafter known as lot 30 and abandon any and all easements, located on 4230 South near Hurricane... LR Pope Engineers & Surveyors, agent; and (g) Washington County Subdivision Ordinance Amendment, Title 11, Chapter 5, Improvements, Section 11-5-1: Sewer Proposal and Construction Plans...County initiated.

The planner explained that all items were approved on the County Commission Consent Agenda.

Item #17. COMMISSION & STAFF REPORTS General reporting on various topics. County initiated.

There being no further business at 3:13 p.m., Chairman Stucki adjourned the meeting.

Donna Rasmussen, Planning Secretary